

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAX DANIEL TRACY,

Plaintiff,

v.

RICK SCOTT, *et al.*,

Defendants.

Case No. C22-5162-RAJ

ORDER GRANTING DEFENDANT
DAVIS'S MOTION FOR SUMMARY
JUDGMENT

The Court, having reviewed Plaintiff's amended complaint, Defendant's motion for summary judgment, the Report and Recommendation of the Honorable S. Kate Vaughan, United States Magistrate Judge, any objections thereto, and the remaining record, hereby finds and ORDERS:

(1) The Report and Recommendation is approved and adopted.

(2) Defendant Travis Davis's motion for summary judgment (Dkt. 19) is GRANTED, and Plaintiff's amended complaint (Dkt. 9) and this action are DISMISSED without prejudice as to Defendant Davis based upon Plaintiff's failure to exhaust his administrative remedies.

1 (3) Proposed Defendants Rick Scott and Brad Johanson are DISMISSED without
2 prejudice, pursuant to 28 U.S.C § 1915A(b)(1) and 28 U.S.C. § 1915(e)(2)(B), for failure of
3 Plaintiff to state any claim upon which relief may be granted.

4 (4) The Clerk is directed to send copies of this Order to Plaintiff, to counsel for
5 Defendant, and to Judge Vaughan.

6 DATED this 28th day of February, 2023.

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9 The Honorable Richard A. Jones
10 United States District Judge
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